

BEFORE THE

Federal Communications Commission

WASHINGTON, D. C. 20554

In re Applications of

CRYSTAL CLEAR COMMUNICATIONS, INC.

THE RADIO MINISTRIES BOARD OF VICTORY
CHRISTIAN CENTER ASSEMBLY OF GOD, INC.

For a Construction Permit for a New
FM Station on Channel 240A
Seelyville, Indiana

MM Docket No. 92-62

File No. BPH-901214MA

File No. BPH-901217MJ

RECEIVED

MAY 12 1992

To: Administrative Law Judge John M. Frysiak

Federal Communications Commission
Office of the Secretary

MOTION TO ENLARGE ISSUES

The Radio Ministries Board of Victory Christian Center Assembly of God, Inc. ("Radio Board"), by counsel, and pursuant to Section 1.229 of the Commission's rules, hereby moves to specify the following issues against Crystal Clear Communications, Inc. ("Crystal Clear")¹:

1. To determine whether Crystal Clear Communications, Inc. has reasonable assurance of the availability of its proposed transmitter site.
2. To determine whether Crystal Clear Communications, Inc. misrepresented facts and/or lacked candor in certifying to the Commission that it has, and has had, reasonable assurance of the availability of its proposed transmitter site.

¹ On May 11, 1992 Radio Board filed a motion to dismiss Crystal Clear's application on the basis that FCC records show no notice of appearance has been filed by Crystal Clear, making its application subject to dismissal with prejudice. However, out of an abundance of caution, and in order not to encounter a charge that its petition is untimely filed under Section 1.229(c) of the rules (it is being filed within 30 days of issuance of the Hearing Designation Order, as required), Radio Board is filing this petition. Of course, the petition would be moot if Crystal Clear's application were dismissed for failure to prosecute, as Radio Board requests.

No. of Copies rec'd 0+6
List A B C D E

In support of this motion the following is stated:

In its December 1990 application, Crystal Clear represented that it had reasonable assurance of the availability of its proposed transmitter site from Brigitte Wassell, as the "owner's agent". See Attachment A hereto, relevant portion of Crystal Clear's application. At the time Crystal Clear certified the availability of its site, that property was owned by Don Shew. See Attachment B, Declaration of Don Shew. Mr. Shew states that (a) he has never been contacted by, or even heard of, Brigitte Wassell; (b) neither Crystal Clear, Lori Shauntee, Kenneth Ramsey, Stanley Emert² nor anyone else identifying themselves as being affiliated with Crystal Clear ever contacted him about lease or purchase of that property; and (c) he has never been approached by anyone about the possibility of selling or leasing that property for construction of a radio tower. Although Mr. Shew's property was for sale³ as a single 30-acre tract⁴ in December 1990, his real estate agent, Larry Helman, never advised him of anyone seeking to buy or lease Shew's property for a radio tower. See Attachment B.

Mr. Shew sold the 30-acre parcel upon which Crystal Clear proposes to build its radio tower to Mark and Cathy Tarrh in July 1991. See Attachment B; Attachment C (Declaration of Janice

² Ms. Shauntee is Crystal Clear's voting stockholder; Mr. Ramsey is its non-voting stockholder. Mr. Emert is Crystal Clear's FCC counsel.

³ Mr. Shew's property was not offered for lease. See Attachment B.

⁴ Mr. Shew was not willing to break-up the property, but only to sell it as one parcel. See Attachment B.

Bender)⁵ and Attachments D and E (Declarations of Mark A. and Cathy A. Tarrh).⁶ The Tarrhs also have never been contracted by Brigitte Wassell, Ms. Shauntee, Mr. Emert, Mr. Ramsey or any other Crystal Clear representative. Nor has anyone approached them about buying or leasing the property for construction of a radio tower. See Attachments D and E. In fact, the property is not available for that purpose.

The Tarrhs bought the former Shew property in order to develop it for residential housing. Clearing of the property began in approximately November 1991. See Attachments D and E. Mr. Shew passed by the property in December 1991 and noticed, at that time, that some of the land had been cleared, indicating activity toward development of the property already had begun. See Attachment B. In March 1991 construction of the homes began. See Attachments D and E. On May 5, 1992 Radio Board member Janice Bender took photographs of the property which clearly demonstrate that homes are being constructed on that land. See Attachment C. The Tarrhs affirm that the property is not available for sale or for lease for use as a radio tower site. See Attachments D and E.

It is undeniably clear that Crystal Clear does not have reasonable assurance of the availability of its transmitter site

⁵ Attached to Ms. Bender's declaration are certified copies of warranty deeds demonstrating that (a) Mr. Shew became owner of the property in February 1990 and (b) the Tarrhs purchased the property in July 1991.

⁶ Mr. Shew, Ms. Bender and the Tarrhs all reviewed those portions of Crystal Clear's application which describe its proposed transmitter site and concluded that Crystal Clear's site is the same property which was owned by Mr. Shew, and now by the Tarrhs.

and that it could not have had any such assurance since at least July 1991, when the Tarrhs bought the property for residential development. Accordingly, a site availability issue must be specified.

Moreover, Crystal Clear's continuing certification of the availability of that site constitutes a misrepresentation. As discussed below, it appears that Crystal Clear's original site certification was false when made. But even notwithstanding that fact, Crystal Clear could not have believed the property was available once it was sold to the Tarrhs in July 1991. And since physical construction at the site has been ongoing for months, there could be no doubt whatsoever that the property has long been unavailable for Crystal Clear's tower construction.

Furthermore, it is apparent that Crystal Clear had not received reasonable assurance of the availability of the property as a tower site at the time it signed its application. The then-landowner, Mr. Shew, was never contacted by Crystal Clear and the person listed as Mr. Shew's agent, Brigitte Wassell, was not representing Mr. Shew in selling the real estate. To demonstrate "reasonable assurance" there must be "some clear indication from the landowner that he is amenable to entering into a future arrangement with the applicant for the use of the property as a transmitter site, on terms to be negotiated, and that he would give notice of any change of intention." Barry Skidelsky, 70 RR 2d 722, 732 (Rev. Bd. 1992) (citations omitted). Neither Mr. Shew nor the Tarrhs have ever given Crystal Clear any such "clear indication";

indeed, they have never even had any contact with Crystal Clear.

Although reasonable assurance may be acquired in numerous ways, it requires at a minimum "a meeting of the minds resulting in some firm understanding as to the sites availability." See Radio Delaware, Inc., 67 RR 2d 358, 359 (Rev. Bd. 1989).⁷ The mere listing of a property for sale does not provide the requisite reasonable assurance. Thus, in Radio Delaware, the Review Board remanded the application of Adams Broadcasting ("Adams") for further hearing on site availability and false certification issues. Adams had based its claim of initial reasonable assurance upon contacting the listing agent for the site property and determining that the property was available. No option agreement had been sought through the realtor, and the applicant had never contacted the owner of the property. The Board held that the fact the property was available for sale to a qualified buyer did not demonstrate any "meeting of the minds" that the property owner would make the property available to Adams as a transmitter site. 67 RR 2d at 360.

In sum, it appears that Crystal Clear falsely certified the availability of its proposed transmitter site in December 1990. That false certification has continued on file and unchanged, its egregiousness exacerbated by the fact the property was sold to the Tarrhs more than ten months ago. Accordingly, a misrepresentation/lack of candor issue also must be specified against Crystal Clear.

⁷ Motion for clarification dismissed, FCC 90R-2 (released January 18, 1990).

WHEREFORE, In light of the foregoing, this petition to enlarge issues should be GRANTED and the issues sought herein SPECIFIED against Crystal Clear Communications, Inc.

Respectfully submitted,

THE RADIO MINISTRIES BOARD OF VICTORY
CHRISTIAN ASSEMBLY OF GOD, INC.

By Harry C. Martin by CAK
HARRY C. MARTIN

By Cheryl A. Kenny
CHERYL A. KENNY
Its Counsel

Reddy, Begley & Martin
1001 22nd Street, N.W.
Suite 350
Washington, D.C. 20037

May 12, 1992

Attachment A

RELEVANT PORTION OF CRYSTAL CLEAR'S APPLICATION

APPLICATION FOR CONSTRUCTION PERMIT FOR COMMERCIAL BROADCAST STATION

For COMMISSION Fee Use Only	FEE NO:	For APPLICANT Fee Use Only
	FEE TYPE	Is a fee submitted with this application? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	FEE AMT:	If fee exempt (see 47 C.F.R. Section 1.1112), indicate reason therefor (check one box): <input type="checkbox"/> Noncommercial educational licensee <input type="checkbox"/> Governmental entity
	ID SEQ:	FOR COMMISSION USE ONLY FILE NO. <u>BPH-901214MA</u>

Section I - GENERAL INFORMATION

1. Name of Applicant Crystal Clear Communications, Inc. c/o Lorie M. Shauntee			Send notices and communications to the following person at the address below: Name Same & to: Stanley G. Emert, Jr.		
Street Address or P.O. Box 1407 S. 8th Street			Street Address or P.O. Box P.O. Box 52225		
City Terre Haute	State Ind	ZIP Code 47802	City Knoxville	State TN	ZIP Code 37923
Telephone No. (include Area Code) (812) 232-7344			Telephone No. (include Area Code) (615) 690-5566		

2 This application is for: ☐ AM ☒ FM ☐ TV

(a) Channel No. or Frequency 240A <u>95.9</u>	(b) Principal Community Seelyville	City Seelyville	State IN
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(c) Check one of the following boxes:

☒ Application for NEW station

☐ MAJOR change in licensed facilities; call sign: _____

☐ MINOR change in licensed facilities; call sign: _____

☐ MAJOR modification of construction permit; call sign: _____
File No. of construction permit: _____

☐ MINOR modification of construction permit; call sign: _____
File No. of construction permit: _____

☐ AMENDMENT to pending application; Application file number: _____

NOTE: It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Section I and those other portions of the form that contain the amended information.

3 Is this application mutually exclusive with a renewal application? ☐ Yes ☒ No

If Yes, state:

Call letters	Community of License	
	City	State

SECTION VI - EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

1. Does the applicant propose to employ five or more full-time employees?

☒ Yes ☐ No

If Yes, the applicant must include an EEO program called for in the separate Broadcast Equal Employment Opportunity Program Report (FCC 898-A).

See Exhibit 5

SECTION VII - CERTIFICATIONS

Will the applicant comply with the public notice requirement of 47 C.F.R. Section 73.3580?

☒ Yes ☐ No

Does the applicant reasonable assurance, in good faith, that the site or structure proposed in Section 1 of this form, as the location of its transmitting antenna, will be available to the applicant for the applicant's intended purpose?

☒ Yes ☐ No

If no, attach as an Exhibit, a full explanation.

Exhibit No.

The reasonable assurance is not based on applicant's ownership of the proposed site or structure. Applicant certifies that it has obtained such reasonable assurance by contacting the owner or person possessing control of the site or structure.

Name of Person Contacted

Brigitte Wassell

Telephone No. (include area code)

(812) 238-1771

Person contacted: (check one box below)

☐ Owner

☒ Owner's Agent

☐ Other (specify)

The APPLICANT hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations, and that all exhibits are a material part hereof and incorporated herein.

The APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying termination on any other application with which it may be in conflict.

In accordance with 47 C.F.R. Section 1.65, the APPLICANT has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in information furnished.

Attachment B

DECLARATION OF DON SHEW

DECLARATION OF DON SHEW

I, Don Shew, a resident of North Carolina, hereby certify and state, under penalty of perjury, that the following is true and correct to the best of my knowledge and belief:

I have reviewed the attached portions of the application for a new FM broadcast station at Seelyville, Indiana filed by Crystal Clear Communications, Inc. ("Crystal Clear") in December 1990 which describe the property upon which Crystal Clear proposes to construct a radio tower. Based upon that review, it is my conclusion that the property specified was part of a 30-acre tract of land which I owned in December 1990. As of December 1990 that property was listed for sale, at a price of about \$2500 per acre, with Larry Helman of Caldwell Banker Real Estate company. The property was not offered for lease. I was not willing to break-up the property, but only to sell it as one parcel.

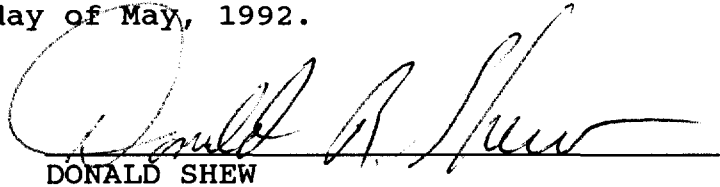
At no time have I ever been contacted by Crystal Clear, Lorie Shauntee; Stanley Emert; Kenneth Ramsey or anyone else identifying themselves as being affiliated with Crystal Clear, about lease or purchase of that property. Also, I have never been approached by anyone about the possibility of selling or leasing all or any part of that property for construction of a radio tower. Moreover, my real estate agent never advised me of anyone seeking to buy or lease the property for a radio tower, nor did he ever mention Crystal Clear as a party interested in buying or leasing the property.

I am aware of the fact that Crystal Clear lists Brigitte Wassell as the "owner's agent" for the property specified as its

transmitter site. I have never talked to, or even heard of, Brigitte Wassell.

The 30-acre tract owned by me in December 1990 was sold to Mark Tarrh during the summer of 1991. Mr. Tarrh subsequently began developing that property for residential use. In December 1991 I passed by that property and noticed that some of the land had been cleared, indicating that activity toward construction of the property already had commenced.

Executed this 6th day of May, 1992.



DONALD SHEW

APPLICATION FOR CONSTRUCTION PERMIT FOR COMMERCIAL BROADCAST STATION

For COMMISSION Fee Use Only	FEE NO:	For APPLICANT Fee Use Only Is a fee submitted with this application? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If fee exempt (see 47 CFR Section 1.1112), indicate reason therefor (check one box): <input type="checkbox"/> Noncommercial educational licensee <input type="checkbox"/> Governmental entity
	FEE TYPE	
	FEE AMT:	
	ID SEQ:	FOR COMMISSION USE ONLY FILE NO. <u>BPH-901214MA</u>

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1. Name of Applicant Crystal Clear Communications, Inc. c/o Lorie M. Shauntee			Send notices and communications to the following person at the address below: Name Same & to: Stanley G. Emert, Jr.		
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City Terre Haute	State Ind	ZIP Code 47802	City Knoxville	State TN	ZIP Code 37923
Telephone No. (Include Area Code) (812) 232-7344			Telephone No. (Include Area Code) (615) 690-5566		

2 This application is for: ☐ AM ☒ FM ☐ TV

(a) Channel No. or Frequency 240A 95.9	(b) Principal Community	City Seelyville	State IN
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(c) Check one of the following boxes

☒ Application for NEW station

☐ MAJOR change in licensed facilities; call sign: _____

☐ MINOR change in licensed facilities; call sign: _____

☐ MAJOR modification of construction permit; call sign: _____
File No. of construction permit: _____

☐ MINOR modification of construction permit; call sign: _____
File No. of construction permit: _____

☐ AMENDMENT to pending application; Application file number: _____

NOTE: It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Section I and those other portions of the form that contain the amended information.

3 Is this application mutually exclusive with a renewal application? ☐ Yes ☒ No

If Yes, state:

Call letters	Community of License	
	City	State

SECTION VI - EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

1. Does the applicant propose to employ five or more full-time employees?

☒ Yes ☐ No

If Yes, the applicant must include an EEO program called for in the separate Broadcast Equal Employment Opportunity Program Report (FCC 896-A).

See Exhibit 5

SECTION VII - CERTIFICATIONS

Will the applicant comply with the public notice requirement of 47 C.F.R. Section 73.3580?

☒ Yes ☐ No

Does the applicant reasonable assurance, in good faith, that the site or structure proposed in Section of this form, as the location of its transmitting antenna, will be available to the applicant for its applicant's intended purpose?

☒ Yes ☐ No

No, attach as an Exhibit, a full explanation.

Exhibit No.

Reasonable assurance is not based on applicant's ownership of the proposed site or structure. Applicant certifies that it has obtained such reasonable assurance by contacting the owner or person possessing control of the site or structure.

Name of Person Contacted Brigitte Wassell

Telephone No. (include area code) (812) 238-1771

Person contacted: (check one box below)

☐ Owner

☒ Owner's Agent

☐ Other (specify)

The APPLICANT hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations, and that all exhibits are a material part hereof and incorporated herein.

The APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying termination on any other application with which it may be in conflict.

In accordance with 47 C.F.R. Section 1.65, the APPLICANT has a continuing obligation to advise the Commission through amendments, of any substantial and significant changes in information furnished.

Section V-B - FM BROADCAST ENGINEERING DATA

FOR COMMON USE ONLY

File No. _____

ASB Referral Date _____

Referred by _____

Name of Applicant

CRYSTAL CLEAR COMMUNICATIONS, INC.

Call letters (if issued)

Is this application being filed in response to a window? ☒ Yes ☐ No

If Yes, specify closing date: DECEMBER 14, 1990

Purpose of Application: (check appropriate box(es))

☒ Construct a new (main) facility☐ Construct a new auxiliary facility☐ Modify existing construction permit for main facility☐ Modify existing construction permit for auxiliary facility☐ Modify licensed main facility☐ Modify licensed auxiliary facility

If purpose is to modify, indicate below the nature of change(s) and specify the file number(s) of the authorizations affected.

☐ Antenna supporting structure height☐ Effective radiated power☐ Antenna height above average terrain☐ Frequency☐ Antenna location☐ Class☐ Main Studio location☐ Other (Summarize briefly)

File Number(s) _____

Allocation:

Channel No.	Principal community to be served:		
	City	County	State
240	SEELYVILLE	VIGO	IN

Class (check only one box below)

☒ A ☐ B1 ☐ B ☐ C3
☐ C2 ☐ C1 ☐ C

Exact location of antenna.

Specify address, city, county and state. If no address, specify distance and bearing relative to the nearest town or landmark. JUST EAST OF HIGHWAY 342, .5 MILE SOUTH OF INTERSECTION OF HIGHWAYS 342 AND 40, .2 MILE NORTH OF GOSPEL GROVE, INDIANA VIGO COUNTY

Geographical coordinates (to nearest second). If mounted on element of an AM array, specify coordinates of center of array. Otherwise, specify tower location. Specify South Latitude or East Longitude where applicable; otherwise, North Latitude or West Longitude will be presumed.

Latitude	39°	28'	53"	Longitude	87°	17'	34"
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Is the supporting structure the same as that of another station(s) or proposed in another pending application(s)? ☐ Yes ☒ No

If Yes, give call letter(s) or file number(s) or both. _____

If proposal involves a change in height of an existing structure, specify existing height above ground level including antenna, all other appurtenances, and lighting, if any. _____

ANTENNA AND SITE:

The antenna site was selected by the Applicant to comply with FCC 47 CFR 73.207 which relates to the minimum mileage separation requirements and 47 CFR 73.315 which sets the required minimum field strength of 3.16 mV/m (70 dBu) over the principal city, Seelyville, Indiana. Therefore this application fulfills the requirements of FCC Form 301, Paragraphs 11, 12 and 13.

SITE PLOTTED:

Exhibit 3 is a copy of a portion of a Topographic Quadrangle, where the site is accurately plotted with latitude and longitude line clearly marked as required by the Federal Communications Commission Form 301, Section V-B, Paragraph 15. The accuracy of the coordinates plotted was verified by a computer program which utilizes the tic marks on the 7.5 minute map to digitize and plot the coordinates to the nearest second. A complete 7.5 minute map of the Seelyville Quadrangle is attached to the original application.

CITY GRADE COVERAGE:

Federal Communications Commission's 47 CFR 73.315 requires that the Applicant select a transmitter site and an antenna height above average terrain that would place a minimum field of 3.16 mV/m (70 dBu) over Seelyville, Indiana, the proposed city of license. This Exhibit 4 illustrates that this proposal is in full compliance with 47 CFR 73.315

NOT REMOVE CARBONS

Form Approved OMB No. 2120-0001

NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION

Aeronautical Study Number

EXHIBIT 1Department of Transportation
Federal Aviation Administration

Nature of Proposal

Type
☐ New Construction
☐ Alteration

B. Class
☒ Permanent
☐ Temporary (Duration _____ months)

C. Work Schedule Dates
 Beginning DEPENDS
 End ON FCC

2. Complete Description of Structure

A. Include effective radiated power and assigned frequency of all existing, proposed or modified AM, FM, or TV broadcast stations utilizing this structure.

B. Include size and configuration of power transmission lines and their supporting towers in the vicinity of FAA facilities and public airports.

C. Include information showing site orientation, dimensions, and construction materials of the proposed structure.

A. 3 KW ERP 95.9 MHZ
FM CHANNEL 240A

B. 1 5/8" COAXIAL CABLE

C. UNIFORM CROSS SECTION
GUYED STEEL TOWER TO
SUPPORT AN FM ANTENNA
3 BAY

(if more space is required, continue on a separate sheet.)

Name and address of individual, company, corporation, etc. proposing the construction or alteration. (Number, Street, City, State and Zip Code)

812) 232-7344

Area code Telephone Number

CRYSTAL CLEAR COMMUNICATIONS, INC.
 LORIE SHAUNTEE, PRESIDENT
 1407 SOUTH 8TH STREET
 TERRE HAUTE, INDIANA 47802

Name, address and telephone number of proponent's representative if different than 3 above.

VIE E. SISK, SISK ENGINEERING, INC.
 P.O. BOX 549
 FULTON, MISSISSIPPI 38843
 601-862-2233

Location of Structure

A. Coordinates (to nearest second)	B. Nearest City or Town, and State	C. Name of nearest airport, heliport, flight park, or seaplane base
39° 28' 53" N 112° 17' 34" W	GOSPEL GROVE, INDIANA	HULMAN REGIONAL
(1) Distance to 4B .2 Miles	(1) Distance from structure to nearest point of nearest runway 1.5 MILES	
(2) Direction to 4B SOUTH	(2) Direction from structure to airport 190 DEGREES	

5. Height and Elevation (Complete to the nearest foot)

A. Elevation of site above mean sea level	570'
B. Height of Structure including all appurtenances and lighting (if any) above ground, or water if so situated	328'
C. Overall height above mean sea level (A - B)	898'

Description of location of site with respect to highways, streets, airports, prominent terrain features, existing structures, etc. Attach a U.S. Geological Survey quadrangle map or equivalent showing the relationship of construction site to nearest airport(s). (if more space is required, continue on a separate sheet of paper and attach to this notice.)

JUST EAST OF HIGHWAY 342, .5 MILE SOUTH OF INTERSECTION OF HIGHWAYS 342 AND 40,
 .2 MILE NORTH OF GOSPEL GROVE, INDIANA VIGO COUNTY

Notice is required by Part 77 of the Federal Aviation Regulations (14 C.F.R. Part 77) pursuant to Section 1101 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1101). Persons who knowingly and willingly violate the Notice requirements of Part 77 are subject to a fine (criminal penalty) of not more than \$500 for the first offense and not more than \$2,000 for subsequent offenses, pursuant to Section 902(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1472(a)).

HERBY CERTIFY that all of the above statements made by me are true, complete, and correct to the best of my knowledge. In addition, I agree to obstruction mark and/or light the structure in accordance with established marking & lighting standards if necessary.

Date: 12/10/90
 Typed Name/Title of Person Filing Notice: OLIVIE E. SISK, TECHNICAL CONSULTANT

Signature

FOR FAA USE ONLY

FAA will either return this form or issue a separate acknowledgement.

The Proposal:

- ☐ Does not require a notice to FAA.
- ☐ Is not identified as an obstruction under any standard of FAR, Part 77, Subpart C, and would not be a hazard to air navigation.
- ☐ Is identified as an obstruction under the standards of FAR, Part 77, Subpart C, but would not be a hazard to air navigation.
- ☐ Should be obstruction ☐ marked.
- ☐ Lighted per FAA Advisory Circular 70/7460-1, Chapter(s) _____
- ☐ Obstruction marking and lighting are not necessary.

Supplemental Notice of Construction FAA Form 7460-2 is required any time the project is abandoned, or

- ☐ At least 48 hours before the start of construction.
- ☐ Within five days after the construction reaches its greatest height.

This determination expires on _____ unless:

- (a) extended, revised or terminated by the issuing office;
- (b) the construction is subject to the licensing authority of the Federal Communications Commission and an application for a construction permit is made to the FCC on or before the above expiration date. In such case the determination expires on the date prescribed by the FCC for completion of construction, or on the date the FCC denies the application.

NOTE: Request for extension of the effective period of this determination must be postmarked or delivered to the issuing office at least 15 days prior to the expiration date.

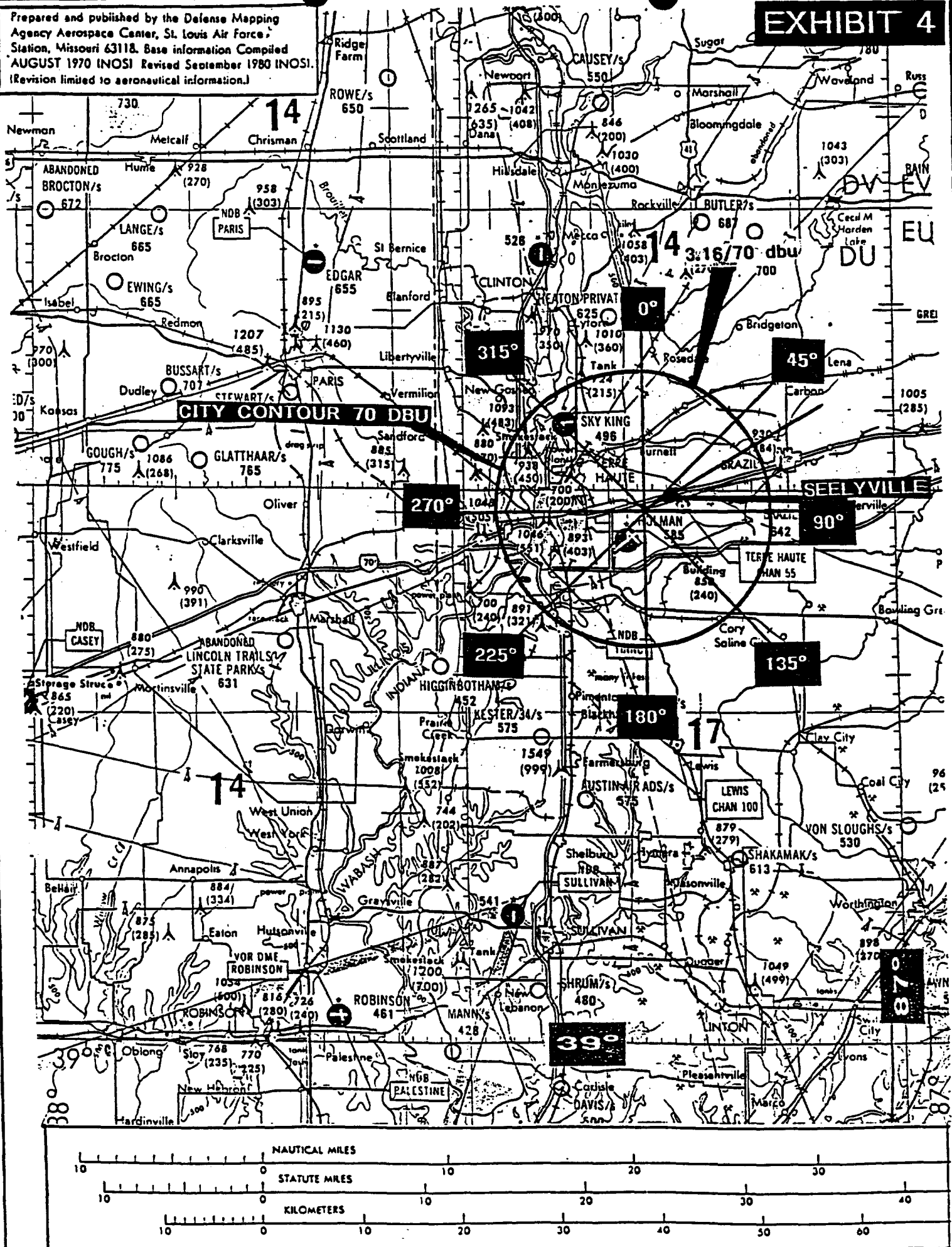
If the structure is subject to the licensing authority of the FCC, a copy of this determination will be sent to that Agency.

Remarks:



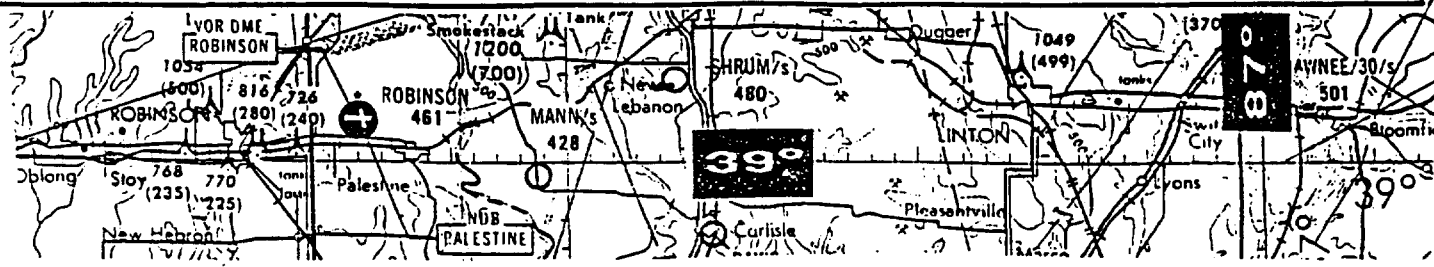
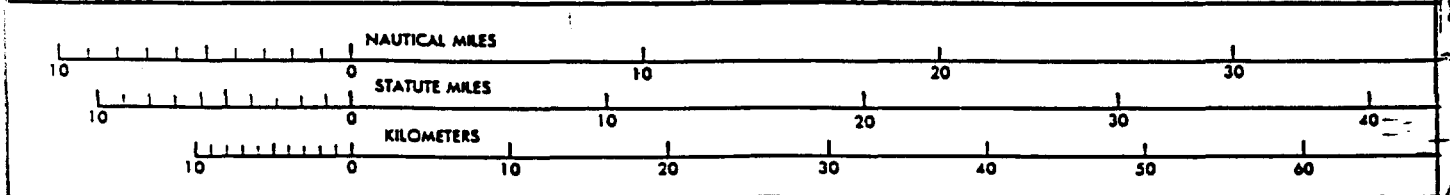
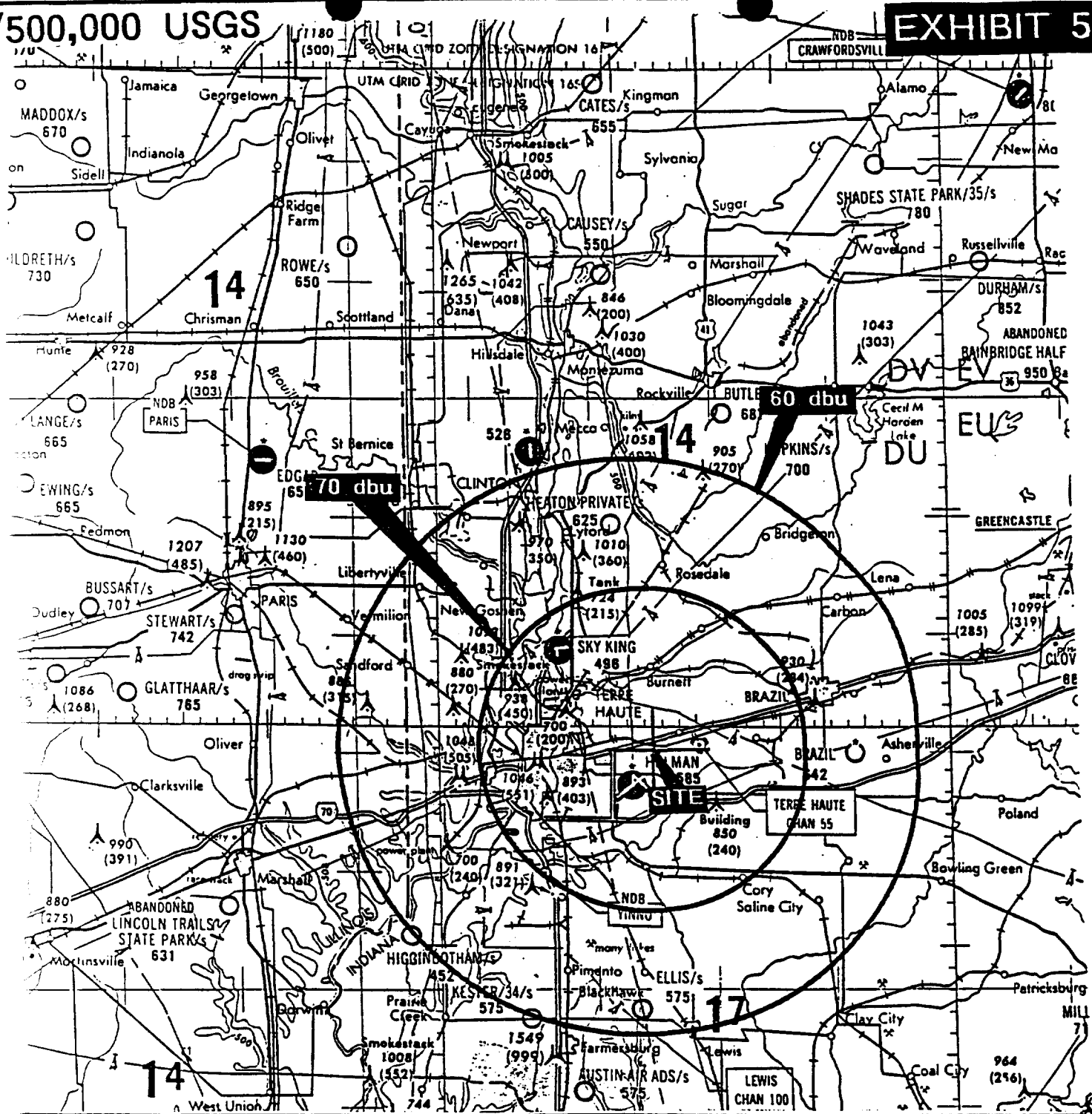
Prepared and published by the Defense Mapping Agency Aerospace Center, St. Louis Air Force Station, Missouri 63118. Base information Compiled AUGUST 1970 INOSI Revised September 1980 INOSI. (Revision limited to aeronautical information.)

EXHIBIT 4



1/500,000 USGS

EXHIBIT 5



TERRAIN AND CONTOUR DATA
SEELYVILLE IN

ERP = 3 kW
FM - 2-6 Tables

Azimuth Deg T.	Ave. Elev. 3 to 16 km Meters AMSL	Effective Antenna Height Meters AAT	ERP (dBk)	F(50-50) Distance to 70 dBu Contour km	F(50-50) Distance to 60 dBu Contour km
0	166.1	102.8	4.771	13.9	24.3
45	181.0	87.9	4.771	12.8	22.4
90	189.2	79.7	4.771	12.2	21.3
135	181.5	87.4	4.771	12.8	22.3
180	172.7	96.2	4.771	13.4	23.5
225	159.2	109.7	4.771	14.4	25.1
270	148.4	120.5	4.771	15.0	26.3
315	153.4	115.5	4.771	14.7	25.8
<hr/>					
Ave. =	168.9 M	100.0 M			

Antenna Radiation Center AMSL = 268.9 M

Geographic Coordinates:

North latitude: 39 28 53

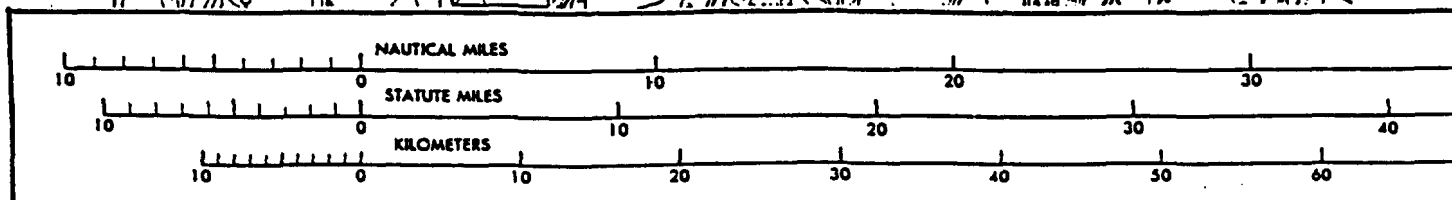
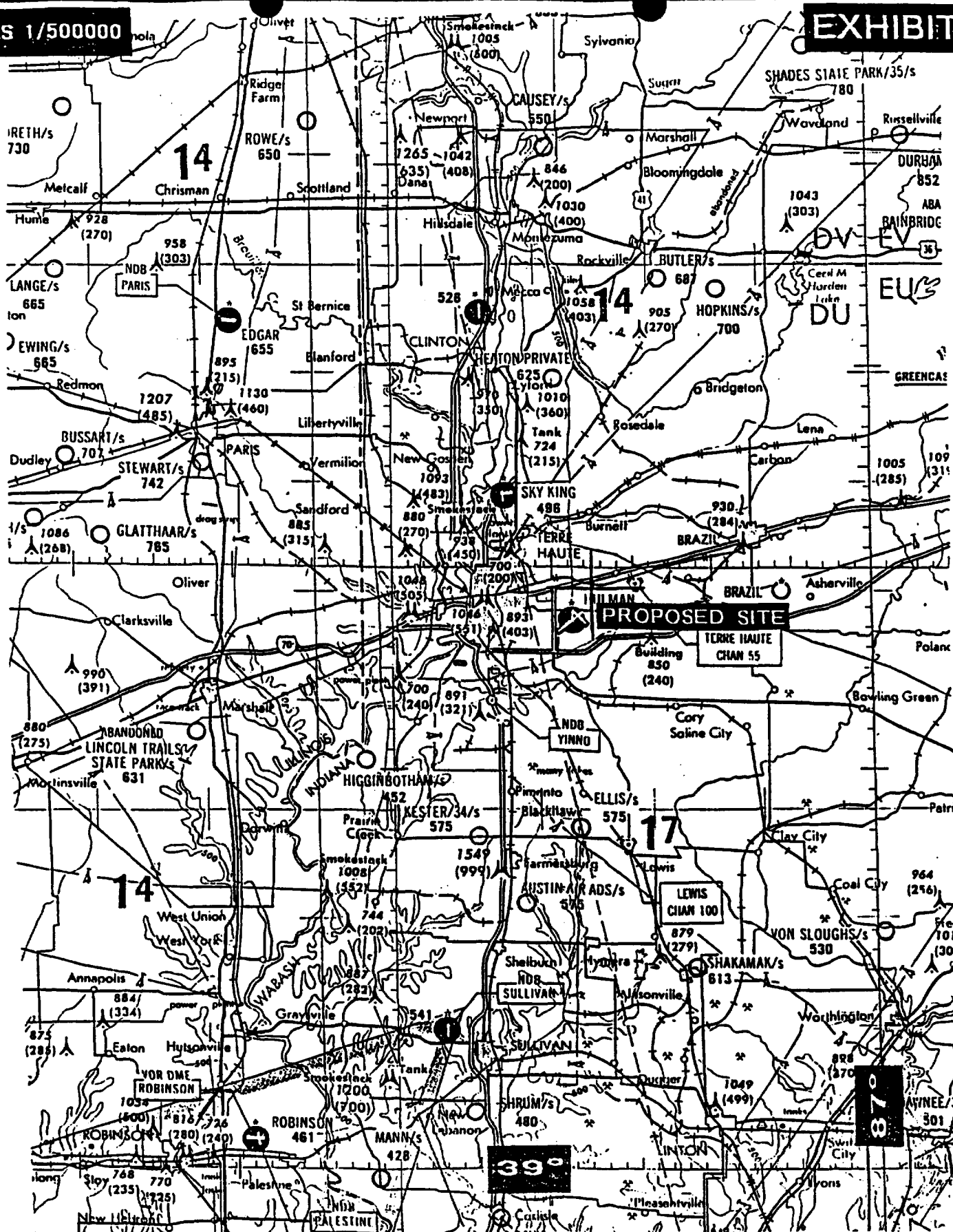
West longitude: 87 17 34

SISK ENGINEERING INC.
BOX 549 FULTON MS. 38843-0549

SEELYVILLE IN.

REFERENCE		CLASS A	DISPLAY DATES
39 28 53 N			DATA 10-31-90
87 17 34 W		Previous rule spacings	SEARCH 12-06-90
----- CHANNEL 240 - 95.9 MHz -----			

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
AL240	240A	Seelyville	IN	10.0	1.79	105.0	-103.21 *
WPZZ	240A	Franklin	IN	88.1	105.36	105.0	0.36
WCRC	239B	Effingham	IL	249.2	117.13	105.0	12.13
WNDIFM	237A	Sullivan	IN	196.8	45.01	27.0	18.01
AL239	239A	Attica	IN	2.5	90.05	64.0	26.05
WSTO	241C	Owensboro	KY	181.7	189.81	161.0	28.81
WAZY	243B	Lafayette	IN	7.8	101.14	69.0	32.14
WBQR.C	239A	Attica	IN	7.1	99.33	64.0	35.33
WFMS	238B	Indianapolis	IN	74.0	115.18	69.0	46.18
WLTM.C	241A	Rantoul	IL	316.1	112.08	64.0	48.08



Attachment C

DECLARATION OF JANICE BENDER

DECLARATION OF JANICE BENDER

I, Janice Bender, do hereby certify and state, under penalty of perjury, that the following is true and correct to the best of my knowledge and belief:

I have reviewed the attached portions of the application for a new FM broadcast station at Seelyville, Indiana filed in December 1990 by Crystal Clear Communications, Inc. ("Crystal Clear"), which describe the property upon which Crystal Clear proposes to construct its radio tower. Based upon that review, and my familiarity with the area, along with review of a map and measuring the distances set forth in the narrative description of the property in Crystal Clear's application, I have determined that Crystal Clear's site is on property previously owned by Don Shew and now owned by Mark Tarrh.

Attached to this declaration as Attachment A is a certified copy of the warranty deed transferring the property to Don Shew on February 1, 1990. Attachment B is a certified copy of the warranty deed transferring that property from Don Shew to Mark Tarrh on July 4, 1991.